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ABSTRACT

Intended for course administrators, this guide is the first of three designed for a two-day inservice training seminar for driver licensing administrative hearing officers. There are four sections. Following a brief introduction, the seminar agenda is provided. Day 1 focuses on six units: (1) an introduction, (2) the highway safety system, (3) licensing agency research review, (4) legal aspects: hearing conduct, (5) the sanction decision, and (6) practical application: legal requirements. Day 2 includes the following units: (7) public safety: driver problem identification, (8) interpersonal dynamics, (9) practical application: the hearing process, and (10) course summary. The guide's third section reviews the developmental goals of the project which produced the three guides: definition and documentation of safety-related hearing officer's tasks, identification of training methods required to produce acceptable performance on documented tasks, and development and pilot test of a curriculum package. Legal, public safety, and interpersonal aspects of the hearing officer's role are emphasized as basic seminar foci. Section 4 gives program planning guidelines which relate to seminar instructors and participants, materials, equipment, facilities, and evaluation procedures. An appendix lists required seminar references. (Guides for instructors and participants are available separately. See note.) (CSS)

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INSERVICE TRAINING SEMINAR FOR THE DRIVER LICENSING ADMINISTRATIVE HEARING OFFICER

ADMINISTRATOR'S GUIDE

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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INTRODUCTION

In preparing for the 2-day Inservice Training Seminar for the Driver Licensing Administrative Hearing Officer, the administrator should read this guide first. The entire package of materials includes the:

- *Administrator's Guide*, which details the seminar objectives, specifies the necessary materials to be assembled, and describes the procedures to be followed and the activities involved in preparing for the seminar.
- *Instructor's Manual*, which acquaints the instructional staff with all seminar duties, prescribes instructional methods to be used, and cues the instructors on visual aid use and time allotted for each unit.
- *Participant's Manual*, which contains the necessary schedule information and all additional materials to be used by the hearing officers in the seminar.

This guide has been prepared to assist the course administrator in planning for the seminar. As such, it provides guidance and resource information. Planning considerations include recommendations for facilities, class size, instructor qualifications, and materials and equipment.

After reviewing this document, the administrator also should read the *Instructor's Guide* thoroughly, since it provides detailed information on orientation of the seminar instructors and how the sessions are to be conducted.

The agenda, which follows, includes a brief description of each day of the seminar.

SEMINAR AGENDA

Typical hours and contents are presented for each day. The seminar organizers may wish to change these to fit their particular circumstances.

Day One

9 a.m. to noon

Unit 1: Introduction

The seminar leaders and participants will be introduced; the purpose and scope of the seminar, explained; the expectations for the participants' activities, outlined; and the preseminar questionnaire, administered.

Coffee break

Unit 2: The Highway Safety System

The relationships among the Department of Transportation (DOT), the National Highway Traffic Safety Administration (NHTSA), the Federal standards (5, 6, 7, and 10), and the State Departments of Motor Vehicles (DMV's) will be explained. Disparities among State vehicle codes, hearing officer and driver improvement analyst (DIA) positions, and agency policies will be described briefly. The tripartite nature of the hearing officer's role (legal, safety, and interpersonal) will be reviewed. The scope of the problem and methods of driver control will be illustrated with both national and State-level statistics.

Unit 3: Licensing Agency Research Review

Background on the research that has been done on licensing agencies and the Driver Licensing Agency Hearing Authority project will be provided so that participants can understand the basis for the information in the seminar.

Noon to 1 p.m.

Group lunch

1 p.m. to 5 p.m.

Unit 4: Legal Aspects: Hearing Conduct

The critical elements and sequence of activities that constitute the creation of an adequate record will be explained, including rules of evidence, taking of testimony, and opinion writing. Examples of progress being made by DMV's in the adjudication of traffic offenses will be discussed.

Unit 5: The Sanction Decision

Hypothetical situations will be posed and participants' judgments elicited to demonstrate mastery of this unit. The necessary components of the sanction decision will be explained fully.

Coffee break

Unit 6: Practical Application: Legal Requirements

The participants will be asked to demonstrate their mastery of this unit by responding to sample taped cases in which the requirements of due process are or are not met. Cues will be given for discrimination of improper actions being taken by the hearing officer, and the participants will learn to identify correct sequences of activities that conform to the latest mandates of the courts on administrative hearings.

Day Two

9 a.m. to noon

Unit 7: Public Safety: Driver Problem Identification

Using the types of data usually available to the hearing officer, the process of driver problem identification will be demonstrated. An NHTSA-sponsored diagnostic "tool" will be introduced that categorizes driver problems into specific "profiles." Sample cases will be reviewed; the problems will be identified independently and then compared and discussed by all participants.

Coffee break

Unit 8: Interpersonal Dynamics

Given sample hearing tapes, the hearing officers will be asked to choose the correct technique or techniques for use in problem identification. These will include paraphrasing, perception checking, and appropriate questioning.

Noon to 1 p.m.

Group lunch

1 p.m. to 5 p.m.

Unit 9: Practical Application: The Hearing Process

Participants will perform as both hearing officers and motorists in simulated situations. Hearings will be judged by both leaders and other participants on their legality, fairness, and potential effect on safety.

Unit 10: Course Summary

Participants will be requested to suggest alternatives to present sanctions and to discuss the need for policy or statutory changes. The postseminar questionnaire will be administered.

SEMINAR PURPOSE AND SCOPE

This training development project was sponsored by the Office of State Program Assistance, National Highway Traffic Safety Administration, U.S. Department of Transportation. Its overall objectives were:

- Definition and documentation of the safety-related tasks performed by hearing officers in nine States. This is accomplished through interviews with them and their supervisors and actual observations of licensing agency hearings.
- Identification of the types of training required to produce acceptable performance of all documented hearing officer tasks.
- Development and pilot test of a 15-hour curriculum package, including an *Administrator's Guide*, *Instructor's Manual*, and *Participant's Manual*.

The resulting training package has been designed for use by State licensing agencies as inservice training for those personnel who administer hearings to the driving public.

This training program is directed toward increasing the hearing officer's awareness of his or her potential effect on highway safety. The results of the developmental research upon which this training is based have indicated that the three aspects of the hearing officer's role that influence highway safety are legal, interpersonal, and public safety. The training program focuses upon these three areas in the following ways:

- Legal aspects. A large part of Day One is devoted to the legal phases of a hearing concentrating on, but not restricted to, the basic procedural requirements necessary to meet due process with fairness and impartiality. These legal aspects of a hearing affect the motorist's attitudes toward the agency in terms of its credibility as being just and fair. Hearing conduct and the sanctioning process are presented from their legal perspectives.
- Public safety aspects. Day Two begins with discussion of techniques developed for the identification of driver problems. This component of the training package is predicated upon the finding that driver improvement depends on the accuracy with which the source of the motorist's errant driving

behavior is identified and the sanction imposed. Both subjective and objective techniques are described. It is recognized that many agencies have driver improvement personnel who perform the duties of driver problem identification but, in most States, the hearing officer will be the only person an errant driver will see who has any opportunity to change that behavior.

- Interpersonal aspects. The legal requirements of a hearing determine the procedural framework within which the hearing officer must function. Accurate problem identification and appropriate sanctioning accomplish the public safety goals of a hearing. However, throughout the hearing, the hearing officer is interacting face to face with the motorist. If any gains are to be made in affecting drivers' attitudes in a positive direction, the hearing officer must demonstrate concern, fairness, and diplomacy in all interactions with the motorist. In short, mastery of communication and interpersonal skills is critical to the hearing officer's performance. It is clear that skills such as these cannot be developed during a 2-day seminar. However, a portion of Day Two is devoted to introducing specific techniques that will aid in the development of these interpersonal skills.

A mock hearing in the final portions of the seminar provides the trainees an opportunity to demonstrate the integration of the legal, public safety, and interpersonal aspects of the hearing officer's role as outlined by the training. The mock hearing, conducted through role playing by the participants, also provides for the assessment of a trainee's mastery of training goals.

GUIDELINES FOR SEMINAR PLANNING

MATERIALS TO BE ASSEMBLED

This phase of seminar planning can be expected to take 25-30 days, depending upon ease of accessibility of information. The administrator should work with the host State's driver licensing agency and the seminar instructors to obtain the necessary data. The required information falls into three categories: (1) statutes: Copies of the State's motor vehicle code plus any and all applicable laws pertaining to administrative hearings, such as an Administrative Procedures Act, should be obtained from the licensing agency and the State's Attorney General's office (Table 1 presents a list of States known to have an Administrative Procedures Act as of 1975); (2) licensing agency policy: If the agency's hearing policies are documented (e.g., a manual for the administrative hearing officers), this documentation should be obtained. If these materials do not exist in written form, a description of the hearing officer's job and procedures should be requested from the chief hearing officer; and (3) statistics/reports: Records of numbers and types of hearings held within the past 5 years, the percentage of appeals, and numbers of those appealed that were overturned by the courts or a higher level of agency authority also are needed.

Table 1.—List of States having an administrative procedures act as of 1975

Alabama	Maryland	Ohio
Arizona	Massachusetts	Oklahoma
Arkansas	Minnesota	Oregon
California	Mississippi	Tennessee
Colorado	Missouri	Texas
Connecticut	Montana	Utah
District of Columbia	Nebraska	Vermont
Florida	Nevada	Virginia
Georgia	New Hampshire	Washington
Idaho	New Jersey	West Virginia
Illinois	New York	Wisconsin
Iowa	North Carolina	Wyoming
Louisiana	North Dakota	

CUSTOMIZING THE UNIT 9 CASE MATERIALS

As indicated in the *Instructor's Manual*, 10 cases are provided in unit 9 for use by the participants in the role-playing exercises. Because of the differences in State vehicle codes, point systems, and hearing practices, each of these cases will have to be examined in light of the host State's usual procedures to assure that the offenses with which the motorist is charged would actually cause him or her to be scheduled for a DMV hearing.

For example, many States request that motorists appear for a hearing when they have been involved in a fatal accident. If it is not the usual practice for the host State to call the driver in for that reason, "Case No. 3, Fatal Accident" will have to be changed to reflect point accumulation. As a practical matter, this means eliminating the record of the latest offense (the fatal accident) and inserting another offense in its place, perhaps a driving under the influence (DUI) charge. These changes require very little effort or time and are critical to seminar success, since all hearing officers must readily agree on the reason that motorists would appear for a hearing in their State.

SEMINAR PARTICIPANTS

The seminar materials provided in this package have been designed to be presented to licensing agency hearing officers who can be expected to fit the following profile to a great extent:

- Have a 12th grade level of education or higher.
- Have at least 5 years' experience as an employee of the licensing agency, either as a driver license examiner or a DIA.
- Have a minimum of 2 years' experience as a hearing officer, having been trained on-the-job by a senior-level hearing officer.
- Be thoroughly versed in his or her State's motor vehicle code and agency policy and highly motivated to conform to these mandates.
- Be aware of all of the most recent State-level decisions that directly affect his or her job, and have some knowledge about U.S. Supreme Court and other Federal or State court rulings.

The class size envisioned for this seminar is 8-10 hearing officers. This number of participants is viewed as optimum given the 2-day time period and the necessity for extensive group interaction in units 6-9. If the class size must be increased substantially (e.g., to 15 persons), the class must be split into two groups for the role-playing exercise in unit 9, since each role play and critique can be expected to take approximately 25-30 minutes.

SEMINAR INSTRUCTORS

The criteria to be met for instructors of the seminar are as stated in the *Instructor's Manual* under "The Instructor's Role." It is sufficient to say here that one of

the two instructors must have legal training and be capable of conducting units 4 and 5, which are primarily concerned with the legal aspects of the hearing officer role. The other instructor should be knowledgeable in the areas of highway safety research, interpersonal communication skills, and the psychological factors that influence human behavior. It is important that the two instructors establish their credibility in units 1 and 2 of the seminar, since their perceived authoritativeness will influence greatly the hearing officers' impressions of the information gained.

MATERIALS, EQUIPMENT, AND FACILITIES

The equipment and materials required for administration of the seminar are an overhead projector, handouts, and cassette tapes and tape player. The overhead projector is needed for units 2-5. Units 6 and 8 require the cassettes and tape player.

References should be available on a table in the meeting room and should consist of copies of all reports used by the instructors in their lectures (see list in the appendix), relevant Federal and State court decisions, and any State-specific information provided by the host licensing agency. The participants should be told that they can review these documents overnight but that all reports must be returned to the instructors before the end of the 2d day of the seminar.

One significant portion of the seminar (units 2-5) is concerned with highway safety research that has been done over the past 10 years on the effectiveness of various licensing agency countermeasures. These documents will be necessary as source materials for the instructors in preparing to conduct the seminar and also will be useful reference materials for the hearing officers.

The meeting room should be prepared to accommodate the participants and instructors in a seminar arrangement (four 3- by 5-foot tables arranged end-to-end in a hollow square) rather than the traditional student-type classroom style with all participants facing forward and the instructors standing at the head of the class. The informal atmosphere promoted by this type of seating arrangement has been found to be most productive for the seminar.

SEMINAR EVALUATION

Two types of evaluation are used for the seminar: pre- and postseminar questionnaires to measure the amount of new information gained by the participants, and a seminar evaluation form designed to assess the hearing officers' general impressions of the value of the 2-day training package as presented. Copies of these forms are included in the *Instructor's Manual*, in the units in which they are used as handouts (units 1 and 10).

APPENDIX
SEMINAR REFERENCES REQUIRED

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